

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

UNITED STATES OF AMERICA

v.

EARON SILER

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No. 1:16-cr-00002
JUDGE TRAUGER

GOVERNMENT’S MOTION FOR PERMISSION TO FILE RESPONSE
AND EXTEND TIME TO RESPOND TO DEFENDANT’S MOTION
FOR COMPASSIONATE RELEASE

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, and respectfully requests permission to file a response and a corresponding extension of time to respond to the Defendant’s Motion for Compassionate Release (D.E. 99). In support thereof, the government submits the following. The defendant was sentenced to 120 months custody and four years of supervised release on June 24, 2019. (D.E. 96.) Currently, according to the Bureau of Prisons website, the defendant has a projected release date of August 16, 2024.

The defendant has filed a motion seeking his release based on his alleged high risk of harm from COVID-19 if he were to remain incarcerated due to his asthma and high blood pressure. (D.E. 99.) The defendant asserts that he has filed a request with the warden at USP Atlanta, but has not yet heard a decision on his request. Defense counsel indicates in the motion that he has sent a request to the defendant to obtain a copy of his submission to the Warden. (*Id.*) To date, no confirmation of that request or any decision has been submitted.

A response to the defendant’s motion typically would have been due on May 12, 2020, though the courts have typically been directing a response time for the government to answer these motions and the government incorrectly assumed that would be the case here with this Court. In

response to the defendant's motion, the government has made inquiry to the Bureau of Prisons regarding this matter and is advised by legal counsel that the database typically used to track requests for compassionate release does not show a record of the defendant making such a request. Counsel for the government wants to review this matter further to determine whether in fact a request has been made and the status of any such request prior to the Court making a determination. The government submits that it would be premature for the Court to make a determination of the motion at this time prior to a showing by the defendant of his compliance with the requirements of § 3582(c)(1)(A).

Counsel for the government respectfully requests an extension to Tuesday, May 19, 2020, to review this matter further and to file an appropriate response.

Respectfully submitted,

DONALD Q. COCHRAN
United States Attorney
Middle District of Tennessee

s/ Philip H. Wehby
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Certificate of Service

I hereby certify that on May 15, 2020, a copy of the foregoing document has been forwarded, via the CM/ECF system, to Michael C. Holley, attorney for the defendant.

s/ Philip H. Wehby
Philip H. Wehby
Assistant United States Attorney